

MAY 26 1983

EPA Region 5 Records Ctr.

VIA CERTIFIED MAIL



327685

Mr. Joel C. Levy  
Singleton, Levy, Crist & Johnson  
Attorneys at Law  
Schuyler Square  
9013 Indianapolis Boulevard  
Highland, IN 46322

Dear Mr. Levy:

Re: Blaw Knox Foundry  
Lake County

This is in response to your letter dated April 21, 1983,  
regarding the disposal of Blaw Knox foundry sand at the Samocki Dump.

You are correct with the statement that foundry sand is not a listed hazardous waste, however, testing has shown that foundry sand may be a characteristic hazardous waste. Some foundries around the state have sand with a lead content exceeding the hazardous waste limit of 5 ppm. At the very least, foundry sand is a solid waste as defined in the Environmental Management Act, IC 13-7-1-2(10), "Solid waste means any garbage, refuse, sludge from a waste treatment plant, sludge from a water supply treatment plant, sludge from an air control facility, and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, or from community activities . . . ." Foundry sand is indeed a discarded material from an industrial operation.

Referring to the first paragraph of your letter, please note that Industrial Disposal Corporation possesses no disposal permits or exclusions from this office and is not in compliance with State statutes. The Samocki disposal site is an open dump and is in violation of the Environmental Management Act, IC 13-7, and the Indiana Solid Waste Disposal Law, IC 36-9-30. In addition, the Board maintains that the responsibility for disposal of a solid waste is equally shared between the generator of the waste and the hauler and disposer of the waste. Your client, Blaw Knox Foundry, is, therefore, in violation of the above open dumping statutes. Be advised that it would be in your client's best interest to assure that their waste materials are not being disposed of at an illegal location.

If you have any questions, please contact Mr. Stuart Miller of the Solid Waste Management Branch at 317/633-0742.

Very truly yours,

Ralph C. Pickard  
Technical Secretary

SCM/tw

cc: Mr. Dan McArdle  
Mr. Charles Scott  
Lake County Health Department  
Lake County Commissioners  
tw 5821m 5/23/83

SINGLETON, LEVY, CRIST & JOHNSON

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JUDITH A. LEVY

April 21, 1983

COPY

Charles H. Scott  
Hazlett & Associates  
P.O. Box 519  
East Chicago, IN 46312

Dear Mr. Scott:

This letter is written on behalf of Blaw-Knox Foundry at East Chicago, Indiana regarding the correspondence to you on behalf of Industrial Disposal Corporation dated April 4, 1983 from the State Board of Health. We expect that Industrial Disposal Corporation will comply with all state law and regulations regarding disposal of the foundry sand from Blaw-Knox Foundry and will obtain any necessary permits, or exclusions therefrom. We have no knowledge of your relationship with Georgia Pacific and the agreement that Blaw-Knox has is directly with Industrial Disposal Corporation.

In the event there is any question, we do submit that Blaw-Knox does not have any listed hazardous wastes or any wastes failing to meet environmental regulations in the materials disposed of by Industrial Disposal Corporation. We specifically direct your attention to the July 26, 1982 Federal Register and pages 32280-32281 thereof. Please note that foundry sand is specifically excluded from being a hazardous waste material.

The foundry sand that you remove from Blaw-Knox is, in our opinion, an "inert material". Foundry sand is particularly good landfill and presents no hazardous leachate quality. Our sand is not of a variety of foundry sand which create problems, such as that containing seacoal. We do not believe that there is anything in the sand removed from Blaw-Knox which has a harmful effect.

By copy of this letter we are advising the Solid Waste Management Branch of the Division of Land Pollution Control that it is the responsibility of Industrial Disposal Corporation to find a suitable place for the disposal of the foundry sand and to obtain any necessary permits or exclusions therefrom, as required by law or regulation.

Very truly yours,

Joel C. Levy

JCL/eh